

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**4<sup>th</sup> November 2019**

<b>Application No:</b>	HPK/2019/0343		
<b>Location</b>	68 Grange Park Avenue, Chapel En Le Frith		
<b>Proposal</b>	Demolition of existing timber building and replacement with 2 storey extension to existing dwelling		
<b>Applicant</b>	Mr Richard Fay		
<b>Agent</b>	Mr Roderick McKay		
<b>Parish/ward</b>	Chapel West Ward	<b>Date registered</b>	22/07/2019
<b>If you have a question about this report please contact:</b> Mark Ollerenshaw, Tel. 01538 395400 extension 4921, mark.ollerenshaw@highpeak.gov.uk			

**1. SUMMARY OF RECOMMENDATION**

<b>APPROVE with conditions</b>
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**1. REASON FOR COMMITTEE DETERMINATION**

1.1 This application has been brought before the Development Control Committee at the request of Cllr Sizeland and Cllr Young to consider access and parking issues and whether the proposal would be overdevelopment.

**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This application relates to a semi-detached two storey property and associated gardens and driveway. The property occupies a corner plot on Grange Park Avenue within a residential area and the built up area boundary of Chapel En Le Frith.

**3. DESCRIPTION OF THE PROPOSAL**

3.1 This application seeks permission for a two storey side extension which will replace an existing shed to the side of the property. The proposed extension will provide a kitchen to the ground floor with a new bedroom and bathroom at first floor. Materials used in construction of the extension would comprise Ibstock "Brown Blend" brick and roof tiles to match the existing building.

3.2 The submitted plans indicate the position of an existing willow tree to the side of the property. The applicant advises that the survival of this tree would be prejudiced during construction of the extension and the applicant proposes to provide replacement planting.

- 3.3 A parking plan has been submitted which indicates space on the driveway to the rear for the parking of vehicles.
- 3.4 A revised location plan has also been received. The application site edged red has been revised to include the driveway area to the rear of the property.
- 3.5 The application, the details attached to it including the plans and the responses of the consultees can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=233810>

#### **4. RELEVANT PLANNING HISTORY**

HPK/2006/0678 – Detached wooden garden shed at side – Approved 26/10/2006.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=93228>

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

##### **High Peak local Plan 2016**

S1 Sustainable Development Principles  
S1a Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S6 Central Sub Area Strategy  
EQ6 Design and Place Making  
CF6 Accessibility and Transport

##### **Chapel-en-le-Frith Neighbourhood Development Plan**

H3 – Design Criteria  
TR1 – Information Required to Support Planning Applications

##### **National Planning Policy Framework**

Paragraph 2 – 14  
Chapter 9 Promoting sustainable transport  
Chapter 12 Achieving well-designed places

##### **Supplementary Planning Documents**

High Peak Design Guide 2018  
Residential Design SPD 2 Adopted December 2005

#### **6. CONSULTATIONS CARRIED OUT**

<b>Site notice</b>	Expiry date for comments: 29/08/2019
<b>Neighbour letters</b>	Expiry date for comments in relation to revised plan: 31/10/2019
<b>Press Notice</b>	N/A

## Neighbours

6.1 Three neighbouring residents have submitted objections. Details can be read on file. A summary of the issues raised is provided below:

- The scale, bulk and massing of the proposal is not in keeping with the scale of surrounding properties.
- The proposal, by wrapping itself around the turning head, could detrimentally add to the sense of enclosure of the adjoining cul de sac.
- No benefit in seeking to balance the two properties (Nos 68 and 70).
- The development should be placed at the rear.
- How is the applicant going to obtain matching bricks and these are no longer available? The development will be even more out of context.
- Quality, accuracy and acceptability/buildability of the drawings is queried – Drawing 5 shows side wall of the new kitchen is formed by the existing staircase with nothing supporting the upper part of the gable wall above.
- The existing shed was granted retrospectively with the proviso that the tree, which it is now proposed to remove, was to be retained.
- The property is located on an open plan estate and the estate has retained its impression of spaciousness, privacy and reasonable density.
- The property's existing off highway parking facilities appear to be on land outside the application red line boundary and therefore out of the applicant's control. It is therefore assumed that the Highways comment will be taken as an objection.
- The applicant's household already has the need to park 2 cars, a horse box and a works van.
- The Highways recommendation that 3 spaces are adequate are below what is needed for the current development without the extended development. Parking is often at a premium and parking in the turning head make it difficult or impossible to manoeuvre and reverse onto neighbouring driveways.
- The applicant should not be allowed to secure the turnaround point in the cul-de-sac.
- Parking partially on the pavement and highway will make egress difficult from neighbouring property.
- Confusion and shortage of parking is due to the previous owner fencing off his original drive.
- Highway consultation response is confusing.

- Highway should be asked to define the extent of the highway in relation to No. 68 / it would be unusual for the adopted highway to stop immediately at the rear of the kerbstones.
- Drainage concerns / Assurance required that the rainwater will be adequately drained.
- It would be inappropriate to plant as implied in the application a replacement tree closer to the highway as this may put neighbouring properties at risk of flooding.
- Public footpaths which led to Rowton Grange Road disappeared during later housing developments.
- Lack of consultation with residents on parking plan.
- Parking plan lies outside the application site and is legally irrelevant.
- The applicant has no right to cut back a hedge which does not adjoin his property.
- Covenants restrict any fencing and require open plan estate to be maintained. These have been abused.

Consultee	Comment	Officer response
<b>Chapel En Le Frith Parish Council</b>	The Committee object due to the proposal being an over development of the site and the issues with the number of parking spaces available. The Committee request HPBC Planning Department perform a site visit and the application be taken to the Development Control meeting.	Paras 7.9 and 7.15-7.20
<b>Arboricultural Officer</b>	The willow tree would be severely affected by the proposals and as such it would not be possible for this tree to be successfully retained. The Design and access statement sets out that the tree has previously caused issues with drains and has been heavily pruned in the past. I therefore do not consider that this tree warrants a TPO and its retention should not prevent the proposed extension. However it is essential that his tree is replaced on a 2:1 basis in accordance with the local plan policy.	Paras 7.21 - 7.22

<b>DCC Highways</b>	<p>No objections subject to applicant demonstrating and maintaining 3 no. off street parking spaces of 2.4m x 5.5m minimum dimension clear of any obstruction to their designated use.</p> <p>Highways subsequently confirmed that the submitted plan demonstrates that land beyond the back edging of the footway is outside of the adopted highway. Therefore, there are no objections in use of the area beyond for the purpose of off-street parking provision.</p>	Paras 7.15 – 7.20
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## **7. POLICY AND PLANNING BALANCE**

### **Planning Policies**

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016 and the Chapel Neighbourhood Development Plan.

7.3 Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

7.5 The presumption in favour of sustainable development is reflected in Local Plan policy S1, where it states that the Council expects all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment. Policy S1a sets out how the Council will work with applicants to secure development that improves the economic, social and environmental conditions of the area.

### **Principle of Development**

7.6 The application site lies within the development boundary whereby the principle of extending a dwelling is acceptable, subject in this case to matters relating to design, amenity, parking and trees which are discussed in detail below.

### **Design – Impact on the street-scene & character and appearance of the area**

7.7 Section 12 of the NPPF aims to ensure that developments function well and add to the overall quality of the area and are visually attractive. Local plan policy EQ6 requires that all new development should be well designed and be of a high quality that responds positively to the environment. The High Peak Design Guide requires extensions to respect the dominance of the original building and be subordinate in terms of size and massing.

7.8 The proposed extension projects 4.6m from the side wall of the existing building and is large in relation to the size of the host property. The High Peak Design Guide advises that:

*“extensions should respect the dominance of the original building and be subordinate to it in terms of size and massing. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will normally help”.*

Whilst an extension of the scale proposed would not usually be acceptable, in this particular case the design of the proposal reflects the appearance of the other half of the semi-detached pair, No. 70 Grange Park Avenue. The applicant considers that, when viewed on the approach from the south east the building formed by the combination of Nos. 68 and 70, together with the proposed extension, might be considered to be more balanced. The neighbouring property and its roof are set at a right angle to the application property and the proposed extension will mirror this relationship, with the ridge at right angles to the existing ridge of the property. The extension will be set

back slightly from the front elevation of the property which will also reflect the relationship with the attached neighbouring property. The set back from both the front and rear elevations will reduce the dominance of the extension and ensure that it reads as an extension. The eaves and ridge line of the extension will line through with the existing eaves and ridge and will not be lower, but this again reflects the appearance of the neighbouring property. For these reasons, the scale and massing of the proposed extension are considered appropriate. The extension window proportions reflect the existing dwelling. Materials used in construction will match the existing and this can be secured by means of a condition. Whilst a neighbour has raised a concern that the proposed bricks may no longer be available, it is considered that a suitably matching brick can be sourced to ensure that the development assimilates well with the host property.

7.9 The property occupies a prominent position on a corner plot. Given that the scale and design of the proposal have been found acceptable it is not considered that it will detrimentally affect the street scene. The extension will broadly occupy the footprint of the existing shed and will maintain a slight gap to the side boundary and it will not appear cramped when viewed in the context of surrounding dwellings. The front and rear gardens are unaffected by the proposal and the property will continue to have ample outdoor amenity space. The proposal will not therefore result in overdevelopment of the site

7.10 As such this application is considered to accord with the Local Plan policy EQ6 and section 12 of the NPPF in this regard.

### **Amenity**

7.11 Paragraph 127 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

7.12 The proposal, due to its position on the side elevation, would not affect the attached neighbouring property, No. 70. The nearest properties to the side of the proposed extension (Nos. 56, 58 and 60) will be approx. 17 metres away from the side wall of the extension, which is considered an adequate separation distance to protect these neighbours from loss of light and overbearing impact. Neighbouring properties towards the front and rear of the property are not directly facing and are further away and their amenities would not be significantly affected.

7.13 The extension includes a kitchen window to the side elevation. The kitchen is also served by windows to the front and rear elevation of the extension. It is therefore considered reasonable to require that the side window be fitted with obscure glass to prevent any overlooking of neighbouring properties.

7.14 The proposal is therefore considered to be acceptable and will not have any undue harm on the amenity of neighbouring properties. The proposal is in accordance with the provisions of local plan policy EQ6 and paragraph 127 f) of the National Planning Policy Framework.

### **Parking and Access**

7.15 Paragraph 102 of the NPPF states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Policy CF6 seeks to provide safe and sustainable access and ensure that development does not lead to an increase in on street parking.

7.16 The Highway Authority raise no objection to the proposed development, subject to the applicant demonstrating and maintaining 3 no. off road parking spaces of 2.4m by 5.5m minimum dimension clear of any obstruction to their designated use.

7.17 The applicant has submitted a parking plan which indicates space on the driveway at the rear of the property for the parking of at least 2 vehicles. It is clear that the driveway at the back of the footway has been used for parking in association with this property for several years and it is included within the deed plan for the property. The Highway Authority has confirmed that the land beyond the back edging of the footway is outside the adopted highway and therefore raises no objections to the use of this area for the purpose of off street parking. As noted by one of the neighbours, this area of land was originally shown to be outside the application site edged red, however, following the clarification from Highways that this area of land does not form part of the adopted highway, a revised location plan has been submitted to include the driveway within the application site boundary.

7.18 Whilst the Highway Authority has requested 3 off road parking spaces, the Parking Guidance for High Peak at Appendix 1 of the adopted Local Plan indicates that 2 parking spaces are required for a three bedroom dwelling. The existing property is a three bedroom unit. Following construction of the proposed extension the property will continue to be a three bedroom unit with a first floor study. The number of bedrooms does not increase and the 2 parking spaces that are already available on the driveway are considered sufficient to meet the needs of the extended property. As noted the proposed floor plans include a study, however, this appears to be too small to accommodate an adult sized single bed and the applicant has confirmed that it is not their intention for this to become a four bedroom house. It is therefore considered that the proposals meet the Parking Guidance standards set out in the Local Plan and will not have a significant impact on parking and highway safety in the area.

7.19 The neighbours have raised concerns that parking occasionally takes place within the turning head adjacent to the site and that parking within this area and on the pavement results in parking and manoeuvring difficulties for the neighbours. Parking within the turning head is a matter that would be

controlled under other legislation and cannot be taken into account in determining this application.

7.20 Therefore, taking the above into account, it is concluded that there would be no adverse, or 'severe', impact on the local road network and the proposals thereby complies with the provisions of section 9 of the NPPF and Local Plan policy CF6.

### **Trees**

7.21 Policy EQ9 seeks to ensure that existing trees, woodlands and hedges will be retained and integrated into development unless the need for and benefits of the development clearly outweigh their loss.

7.22 The existing mature willow tree to the side of the property would be severely affected by the proposals and would not be retained. The Council's Arboricultural Officer does not consider that this tree warrants a tree preservation order and its retention should not prevent the proposed extension. In order to comply with Local Plan Policy EQ9 the tree should be replaced on a 2:1 basis and conditions are recommended requiring a planting scheme to be submitted and agreed and thereafter implemented.

### **Other matters**

7.23 The neighbours have raised issues relating to covenants which require an open plan estate to be maintained and restrict fencing, however, these are not material planning considerations.

7.24 The neighbour letters also include comments on potential rainwater drainage problems and flooding. The site is within Flood Zone 1 which is the zone at the lowest risk of flooding. Matters relating to rainwater drainage can be dealt with at the Building Regulations stage of the development.

### **Planning Balance & Conclusion**

7.25 At the heart of the NPPF is a presumption in favour of sustainable development. In accordance with paragraph 11 of the NPPF, this means that local planning authorities should positively seek opportunities to meet the development needs of their area and approve development proposals that accord with an up-to-date development plan without delay.

7.26 The proposals are considered to be acceptable in terms of their appearance and design and will not be harmful to the amenity of neighbouring properties or highway safety. This application is considered to accord with the relevant policies contained in the High Peak Local Plan 2016, Chapel Neighbourhood Development Plan and the National Planning Policy Framework; accordingly it is recommended that planning permission be granted.

## **8. RECOMMENDATIONS**

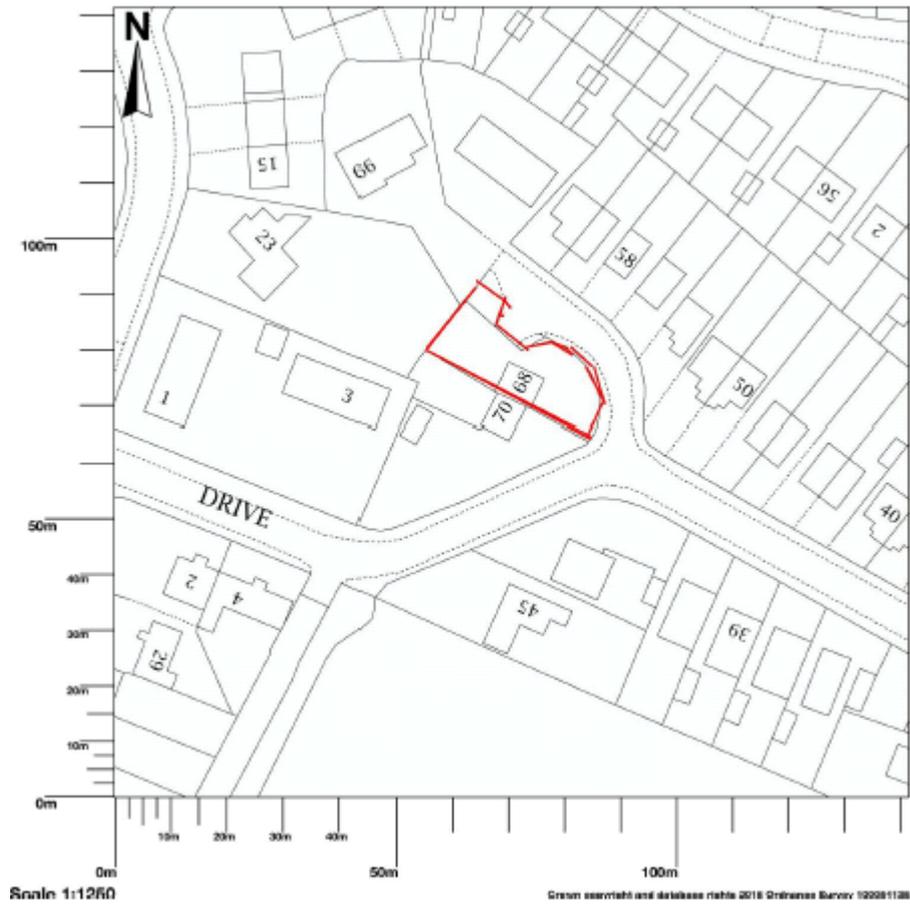
**A. APPROVE, subject to the following conditions;**

<b>Condition number</b>	<b>Brief description</b>	<b>Comment</b>
TL01	Commencement of development	
AP01	Approved Plans	
DE03	Matching materials	
NSTD	Landscaping / planting scheme to be submitted and agreed.	
LA02	Landscaping to be carried out and maintained.	

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

**Site plan**



Scale 1:1250

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